

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

SEP 25 2003

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES E. FLOWERS

Application No. 09/755,991

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on September 8, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellant filed an Appeal Brief on January 22, 2003 (Paper No. 12). An Examiner's Answer was mailed on May 7, 2003 (Paper No. 13). The examiner states on page 2, section (8) of the Answer, that "[t]he copy of the appealed claims contained in the Appendix to the brief is correct." However, a review of the Appendix to the Brief reveals that claims 1 and 15 are not the correct copies according to the amendment filed on April 12, 2002 (Paper No. 6).

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Accordingly, it is

ORDERED that the application is returned to the examiner to notify appellant to submit a corrected Appendix to the Brief, or for the examiner to submit a correct copy of claims 1 and 15 on appeal, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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